



To: Parties in Evidentiary Hearings before the State Personnel Board

From: Elise S. Rose, Chief Counsel  
Christine A. Bologna, Chief Administrative Law Judge  
Gladys S. Washington, Chief, Appeals Division

Subject: SETTLEMENT CONFERENCE AND PRE-HEARING CONFERENCE PILOT PROJECT

The State Personnel Board (SPB) is pleased to announce a new pilot project for scheduling settlement conferences and pre-hearing conferences upon mutual request of the parties and in cases where the parties have requested more than two consecutive days of hearing.

Effective immediately, one full day will be reserved for settlement conferences on the first and third Tuesdays in Sacramento and on the second and fourth Thursdays in Los Angeles. During the pilot period, Christine Bologna, Chief Administrative Law Judge (CALJ), and Administrative Law Judge (ALJ), Kymberly Pipkin will preside at the settlement conferences in Sacramento, and ALJ Barbara Brecher will conduct the settlement conferences in Los Angeles. Settlement conferences will be scheduled for 9:30 a.m. and 1:00 p.m. initially, with additional conferences at 11:00 a.m. and 3:00 p.m. if needed. Settlement and pre-hearing conferences in multiple-day cases will be assigned to the settlement days based on location as set forth below. Parties in cases which are already scheduled for one day or less of hearing, or in cases pending hearing dates, may also request settlement conferences on the settlement calendar days upon mutual agreement, in writing, as is the current practice under existing law (Cal. Govt. Code sec. 19581.5).

1. Where parties request more than two consecutive days of hearing through the multiple-day initial setting pilot project, the CALJ or Calendaring ALJ will review the action appealed, determine the appropriate number of hearing days, and schedule the hearing dates and a settlement conference three weeks before the scheduled hearing dates. The ALJ conducting the settlement conference will not preside at the multiple-day hearing unless the parties stipulate to this assignment.
2. Discussions at the settlement conference will not be disclosed to the ALJ hearing the case, unless the parties so stipulate.
3. Appellants/complainants and respondents, and their representatives, must attend the settlement conference. Each party must have an individual with authority to settle the case attend the settlement conference. If the settlement ALJ agrees and circumstances so warrant, the individual with settlement authority may be available by telephone at the time of the settlement conference. Direct face-to-face participation by individuals with settlement authority is strongly encouraged.

4. Parties and their representatives must be prepared to participate in settlement discussions and know the relevant facts of the case; the charges; the evidence, including anticipated witness testimony; and the case law.
5. Parties must bring all relevant documents (reports, records, photographs, books, diagrams, maps, bills, contracts, and memoranda) that they intend to introduce into evidence at hearing to the settlement conference.
6. Parties must be prepared to discuss a proposed settlement offer with the settlement ALJ. Using the standard format in SPB stipulations for settlement may expedite matters.
7. Settlement materials will be returned to the parties. Upon the parties' stipulation, such materials may be maintained in the case file in an envelope marked "Settlement Conference Materials" for reference in any future efforts to settle the case. If settlement is not reached and the case proceeds to hearing, the envelope will be removed from the case file and documents returned to the parties.
8. No particular structure of the settlement conference is required. The settlement ALJ may employ settlement techniques as s/he determines are appropriate to the particular dispute and needs of the parties. The settlement ALJ may also recommend that the parties participate in the SPB State Employee Mediation Program (SEMP) if the dispute is appropriate for resolution through that program.
9. If settlement is not reached at the settlement conference, but the parties have reached agreement on facts and/or issues, the settlement ALJ will issue an order confirming the matters stipulated to, or request a party to prepare the order. Upon the parties' stipulation that the settlement ALJ may preside at the hearing, the settlement conference may be converted into a pre-hearing conference.
10. If settlement is reached at the settlement conference, the settlement ALJ will prepare a proposed decision incorporating the stipulation for settlement, request a party to prepare the settlement, and/or place the agreement on the hearing record.
11. If settlement is reached at the settlement conference, the hearing dates will be vacated.
12. The ALJ assigned to hear the multiple-day case will order a pre-hearing conference shortly before the hearing, or at the beginning of the first day of hearing. The hearing ALJ may issue a pre-hearing conference order to the parties to bring relevant documents or other materials to the pre-hearing conference.

Calendaring Unit Telephone Numbers	(916) 654-6417or (916) 653-5505
Fax Number	(916) 651-8949
TDD Number	(916) 654-2360

**Fax Sheet**  
**Settlement Conference Request**

Fax this settlement conference request to the State Personnel Board Calendaring Unit at (916) 651-8949 within 15 calendar days of receipt of the enclosed acknowledgment letter. The Calendaring Unit telephone numbers are (916) 654-6417 or (916) 653-5505.

Today's date: \_\_\_\_\_

Case Number: \_\_\_\_\_

Parties to the Appeal (specify requesting party):

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I certify that I or my representative have contacted the other side and s/he joins in this request for a settlement conference.

(Signature) \_\_\_\_\_